REMARKS

Reconsideration of the above referenced application in view of the following remarks is requested. Claims 1-8 and 27-36 remain in the application.

Claim Rejections – 35 USC § 102

Claims 1-4 and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Husak et al., US Patent Application Publication No. 2004/0260829 A1 (hereinafter Husak).

The Examiner cited paragraph 0199] of Husak as teaching the limitation of "discarding any partial sample block of the packet that remains after detecting an end of the packet," recited in claim 1. Applicants respectfully disagree. Even if assuming a packet recited in claim 1 is equivalent to a message disclosed in Husak and a block recited in claim 1 is equivalent to a packet disclosed in Husak, the cited portion of Husak does not disclose the above quoted limitation of claim 1. Husak discloses techniques used to determine whether to discard a packet or not to recover from periods of congestion, to avoid congestion, or to avoid becoming congestion (see paragraphs [0157-0161] of Husak. Husak further discloses four discard modes: non-message discard mode, early packet discard mode ("EPD"), partial packet discard mode ("PPD"), and modified partial packet discard mode ("MPPD"). See paragraphs [0186-0199] of Husak. Under any of these modes as disclosed, the decision to discard a packet is determined by traffic queue's discard configuration block 431 (details of which are disclosed in paragraphs [0202-0206] of Husak). The difference between

these modes is when the discard decision is made: when the descriptor for the first packet of the message is received (for EPD), when the descriptor of a middle packet of the message is received (the descriptor of the first packet has already been received and was not discarded) (for both PPD and MPPD). The discard decision is not based on whether the end of a message is received and whether a packet received after the end of the message is received is partial or not.

In marked contrast, the limitation recited in claim 1 include at least two elements: detecting an end of the packet and determining that a sample block received after detecting the end of the packet is partial. When conditions described by both of these elements are met (i.e., an end of the packet is detected and a sample block received after detecting the end of the packet is partial), the sample block is then discarded. None of these two elements are disclosed in Husak as discussed above because the discarding decision under any discard mode disclosed in Husak is made based on congestion (past, present or future) but not on either an end of a message is detected or a packet received after detecting the end of the message is received is partial.

Because Husak does not teach or suggest all of the limitations recited in claim 1, claim 1 is not anticipated by Husak. Accordingly, any claim that depend therefrom (i.e., claims 2-8) is not anticipated by Husak either.

Claim 27 recited limitations similar to those recited in claim 1. Because Husak does not disclose all of the limitations recited in claim 27 (e.g., the limitation of "discarding any partial sample block of the packet that remains after detecting an end of the packet" of claim 27 is not taught or suggested by Husak), claim 27 is not anticipated by Husak. Accordingly, any claim that depend therefrom (i.e., claims 28-34) is not

anticipated by Husak either. Applicants respectfully request that the 35 U.S.C. § 102 rejections of claims 1-4 and 27-30 over Husak be withdrawn.

Claim Rejections – 35 USC § 103

Claims 7 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husak in view of Assa et al. (US Patent Publication No. 2002/0018474 A1) (hereinafter Assa).

Claims 8 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husak in view of Smith et al. (US Patent No. 6,747,977) (hereinafter Smith).

As presented above in overcoming the 35 U.S.C. § 102 rejections of claim 1 and 27, Husak does not teach or suggest the limitation of "discarding any partial sample block of the packet that remains after detecting an end of the packet" recited in these claims. Husak is the only reference cited in teaching this limitation. Thus, the combination of Husak and Assa does not teach or suggest all of the limitations recited in claims 7 and 33; and the combination of Husak and Smith does not teach or suggest all of the limitations recited in claims 8 and 34. Claims 7-8 and 33-34 are patentable over the combination of the cited references. Applicants respectfully request that the 35 U.S.C. § 103 rejections of these claims be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any

questions, the Examiner is invited to contact the undersigned at (503) 264-1700.   Early

issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Application No.: 10/723,135   Page 9 of 9   Examiner: Martinez, D.
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